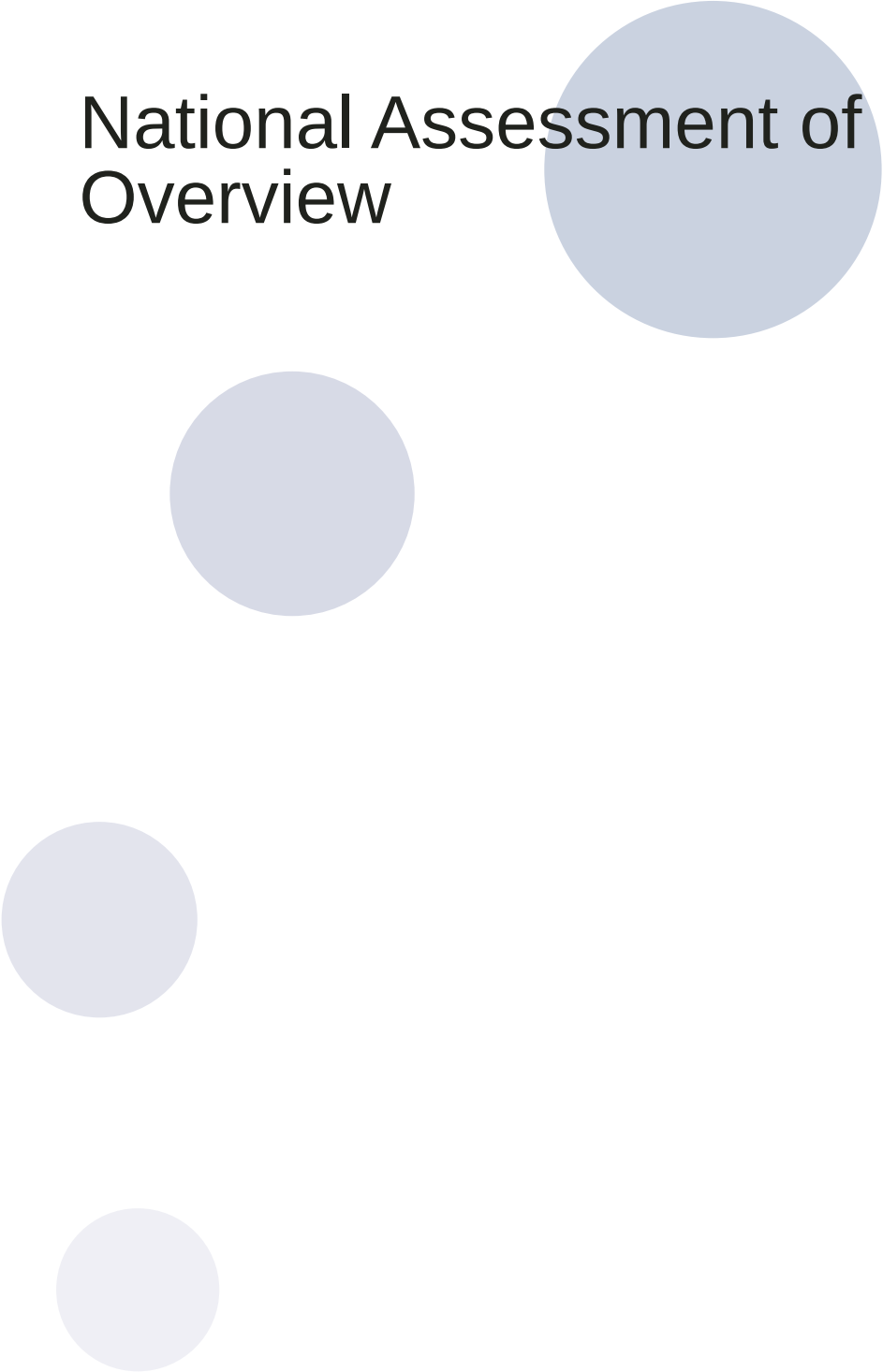


National Assessment of IDEA Overview



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Preface

This *Overview* describes the studies that comprise the National Assessment of the Individuals with Disabilities Education Act (IDEA) required by P.L. 108-446, Section 664(b), and provides an abridged summary of the recently completed study of IDEA implementation at the state and local levels: *IDEA National Assessment Implementation Study*, which was prepared by Abt Associates under contract with the Institute of Education Sciences.¹

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I. Introduction to the National Assessment of IDEA

The Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-446), enacted by the United States Congress on December 3, 2004, is the most recent reauthorization of the Individuals with Disabilities Education Act (IDEA), federal legislation which is specifically focused on the education of children with disabilities. As of Fall 2008, IDEA supported early intervention and special education and related services for 6.94 million children ages 0 to 21 who had been identified as having a disability or a risk of substantial developmental delay.² In Fiscal Year 2010, appropriations for IDEA were \$12.572 billion, out of \$64.135 billion in discretionary funding for the U. S. Department of Education (ED).

Section 664(b) of IDEA requires that the Secretary of Education delegate to the Institute of Education Sciences (IES) responsibility for conducting an assessment of national activities under the law, henceforth known as the “National Assessment of IDEA.” The National Assessment of IDEA is distinct from the annual reports submitted by ED to Congress on the implementation of the law.³ The goals of the National Assessment of IDEA, as stated in the law, are threefold:

1. to determine the effectiveness of this title [IDEA] in achieving the purposes of this title;
2. to provide timely information to the President, Congress, the States, local educational agencies, and the public on how to implement this title more effectively; and
3. to provide the President and Congress with information that will be useful in developing legislation to achieve the purposes of this title more effectively.

This introduction to the National Assessment of IDEA begins with a review of the purposes of the law. It then describes the general approach IES has adopted to conducting this National Assessment of IDEA and specific evaluation studies that have begun in two broad areas: (1) studies of the implementation of IDEA programs, and (2) studies of outcomes and effects associated with IDEA-related services. The rest of this overview summarizes findings from the IDEA National Assessment Implementation Study, which provides a national picture of state agency and school district implementation of IDEA.

Purposes of IDEA

Section 601(d) of IDEA states the following purposes of the law:

- (1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; (B) to ensure that the rights of children with disabilities and parents of such children are protected; and (C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;
- (2) to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

The 2004 reauthorization of IDEA affirmed or changed prior law in each of these areas, as described below.

Ensuring Availability of a Free Appropriate Public Education for All Children with Disabilities

Federal funding of state schools for children with disabilities dates to 1965 (P.L. 89-313). Nonetheless, prior to 1975, federal law did not guarantee all children with disabilities a free public education appropriate to their needs. Congress has found that,

Before the date of enactment of the Education for All Handicapped Children Act [EHA] of 1975 (Public Law 94-142), the educational needs of millions of children with disabilities were not being fully met because—(A) the children did not receive appropriate educational services; (B) the children were excluded entirely from the public school system and from being educated with their peers; (C) undiagnosed disabilities prevented the children from having a successful educational experience; or (D) a lack of adequate resources within the public school system forced families to find services outside the public school system.⁴

EHA codified the rights of all children with disabilities to receive “a free appropriate public education” (FAPE) which emphasizes “special education and related services designed to meet their unique needs.” EHA specified that 3- through 21-year-olds who were found eligible for services under the law were entitled to FAPE to meet their needs as specified in a written “individualized education program” (IEP).⁵ EHA specifically required states receiving federal funding under the law to ensure that, “to the maximum extent appropriate,” children with disabilities be educated with other children in “the regular educational environment.”⁶ EHA also made the commitment to protect the educational rights of these children and their parents or guardians by establishing procedural safeguards. Through this law, the federal government offered Part B Section 611 formula grants to states to support the individualized services required for eligible children.

Between 1983 and 1997, Congress made amendments to EHA to expand and improve special education and related services. The 1983 amendments (P.L. 98-199) focused Part B Section 619 preschool grants on supporting FAPE for 3- to 5-year-olds with disabilities. In 1990 Congress renamed EHA to be the Individuals with Disabilities Education Act (P.L. 101-476), defined eligibility for services for children in the disability categories of autism and traumatic brain injury, and required transition services to prepare youth with disabilities for life after secondary school. In the 1991 reauthorization (P.L. 102-119), Congress permitted states to provide free preschool special education services to 2-year-olds with disabilities who would turn 3 during the school year and made a series of other changes to improve the transition of children from the IDEA program for infants and toddlers to the IDEA Part B program. The 1997 reauthorization of IDEA (P.L. 105-17) added an emphasis on

including children with disabilities in state accountability systems, giving these children maximum access to the general education curriculum, and improving their educational results.

The 2004 reauthorization of IDEA made changes to the law to promote “whole-school approaches, scientifically based early programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label children as disabled in order to address the learning and behavioral needs of such children.”⁷ Section 613 of the law permits local educational agencies to use up to 15 percent of Part B funds to provide Coordinated Early Intervening Services (CEIS) in grades K through 12 (and especially grades K through 3) for students “who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.” Such expenditures are mandatory in cases where a state determines that an LEA has a significant disproportionality by race or ethnicity in patterns of special education identification, services, or disciplinary incidents. Section 614 of IDEA states that, “in determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention.”

The 2004 amendments also brought federal special education law into close alignment with the 2001 reauthorization of the Elementary and Secondary Education Act (ESEA, P.L. 107-110). Under ESEA and IDEA, students with disabilities are expected to participate in state accountability systems using regular or alternate assessments for reading and mathematics performance in grades 3 through 8 and during high school. A school’s repeated failure to make Adequate Yearly Progress in academic performance, including, in some cases, the performance of students with disabilities as a subgroup, can lead to its identification as a school in need of improvement. Section 602 of IDEA requires that teachers providing instruction to students with disabilities in core academic subjects meet the same Highly Qualified Teacher (HQT) requirements that apply to special education teachers under ESEA.

For FY 2010, Congress appropriated \$11.505 billion for IDEA Part B, Section 611 grants to states for special education and related services for children with disabilities ages 3 through 21. Congress also appropriated \$374 million for Part B, Section 619 preschool grants to states for children with disabilities ages 3 through 5.

Assisting States in the Implementation of Early Intervention Services

In addition to strengthening support for special education for preschool-age children, the 1986 amendments to EHA provided grants to states to serve eligible infants and toddlers (ages birth through 2 years) and their families in accordance with a written “individualized family service plan” (IFSP). The 1991 amendments to IDEA clarified the provisions of the law relating to early intervention services for infants and toddlers at risk of “substantial developmental delays,” and to planning for the transition of children from early intervention services to preschool special education by their third birthday. Originally referred to as IDEA Part H, early intervention services were transferred to Part C in the 1997 reauthorization. Services to at-risk infants and toddlers continue to be supported under the 2004 amendments, with a particular focus on developmental and academic preparedness outcomes, including pre-literacy and language skills, as specified in each child’s IFSP. IDEA now also permits states to offer parents of children receiving Part C early intervention services—and whose children would be eligible at age 3 for Part B, Section 619, preschool special

education services—the option of continuing early intervention services until their children enter kindergarten.

For FY 2010, Congress appropriated \$439 million for IDEA Part C grants to states for early intervention services for infants and toddlers with disabilities or at risk of a substantial developmental delay.

Providing Tools to Educators and Parents to Improve Results for Children with Disabilities

Prior to the enactment of EHA in 1975, Congress supported a number of discretionary grant programs related to the education of children with disabilities. The Training of Professional Personnel Act of 1959 (P.L. 86-158) supported training for teachers of children with mental retardation, while the Teachers of the Deaf Act of 1961 (P.L. 87-276) trained instructional personnel for children who were deaf or hard of hearing. The 1967 Amendments to Title VI of the Elementary and Secondary Education Act (P.L. 90-247) provided for technical assistance to educators and parents of children with disabilities through the Deaf-Blind Centers and the Regional Resource Centers, which were administered by the Bureau of Education for the Handicapped established in that year within the Office of Education within the U.S. Department of Health, Education, and Welfare.

In 1979, the Department of Education Organization Act (P.L. 96-88) created both ED and the Office of Special Education and Rehabilitative Services (OSERS) to administer EHA. The 1983 Amendments to EHA established the Office of Special Education Programs (OSEP) within OSERS.

The 1997 reauthorization of IDEA brought the various OSEP discretionary grants under IDEA Part D, National Activities to Improve Education of Children with Disabilities. The 1997 amendments also authorized State Improvement Grants to promote statewide systemic reforms to improve results for children with disabilities. The 2004 amendments continued support for the following five Part D programs:

- the Personnel Development to Improve Services and Results for Children with Disabilities Program (PDP), authorized under Section 662 of IDEA;
- the IDEA Technical Assistance and Dissemination (TA&D) Program, authorized under Section 663 of the law;
- the State Personnel Development Grant (SPDG) Program authorized under subpart 1 of Part D;
- the Technology and Media Services Program, authorized under Section 663 of IDEA; and
- the Parent Training and Information Centers Program, authorized under Sections 671 and 672 of IDEA.

In FY 2010, \$260 million was appropriated for these Part D programs. The largest Part D program was the PDP (\$91 million), followed by the TA&D Program (\$50 million), the SPDG Program (\$48 million), the Technology and Media Services Program (\$44 million), and the Parent Training and Information Centers Program (\$28 million).

Assessing, and Ensuring the Effectiveness of, Efforts to Educate Children with Disabilities

Since 1975, IDEA has included provisions for collecting information on the implementation and impact of the law and reporting findings annually to the U.S. Congress. Since 1977, OSEP has prepared annual reports to Congress on the extent to which all students with disabilities are receiving a free, appropriate public education. In 1983, “special studies” were authorized, including a longitudinal study of secondary school students receiving services under the law to document their characteristics, their school programs and achievements, and their experiences and outcomes in the transition to early adulthood. In response to the call for a national assessment in the 1997 reauthorization, OSEP funded a portfolio of studies including four longitudinal child-based studies and three topical studies addressing key issues in special education.

In 2002, Congress, through the Education Sciences Reform Act (P.L. 107-279), created the Institute of Education Sciences (IES), which includes the National Centers for Education Statistics (NCES), Education Research (NCER), and Education Evaluation and Regional Assistance (NCEE). Title II of the 2004 reauthorization of IDEA created a National Center for Special Education Research (NCSE) at IES to

1. sponsor research to expand knowledge and understanding of the needs of infants, toddlers, and children with disabilities in order to improve the developmental, educational, and transitional results of such individuals;
2. sponsor research to improve services provided under, and support the implementation of, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and
3. evaluate the implementation and effectiveness of the Individuals with Disabilities Education Act in coordination with the National Center for Education Evaluation and Regional Assistance.

Section 664 of IDEA describes the studies and evaluations delegated to IES and authorized for NCSE and NCEE to perform, including the National Assessment of IDEA as well as other studies. Section 664(c) of IDEA requires IES to conduct a study of alternate assessments through which children with disabilities can meet alternative state academic standards. The NCSE-sponsored National Study on Alternate Assessment (NSAA) has resulted in three published reports to date.⁸ Section 664(e) also authorizes IES to support additional “objective studies, evaluations, and assessments.” Under this authorization, NCSE has supported a study of state monitoring and improvement practices under IDEA.⁹ NCSE has also supported two longitudinal studies of children and youth with disabilities: the Pre-Elementary Education Longitudinal Study (PEELS),¹⁰ and the National Longitudinal Transition Study 2 (NLTS2).¹¹ In 2010, NCEE began another study under this authority: a new longitudinal study of youth with disabilities known as the National Longitudinal Transition Study 2012 (NLTS2012).

In FY 2010, \$71 million was appropriated for IES-sponsored special education research. An additional \$11 million was appropriated for IES special education studies and evaluations, including the National Assessment of IDEA called for by the 2004 amendments.

General Approach for the National Assessment of IDEA

Section 664(b) of IDEA lists the following topics for the National Assessment:

- (A) the implementation of programs assisted under this title and the impact of such programs on addressing the developmental needs of, and improving the academic achievement of, children with disabilities to enable the children to reach challenging developmental goals and challenging State academic content standards based on State academic assessments;
- (B) the types of programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals;
- (C) the implementation of the professional development activities assisted under this title and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities; and
- (D) the effectiveness of schools, local educational agencies, States, other recipients of assistance under this title, and the Secretary in achieving the purposes of this title by--
 - (i) improving the academic achievement of children with disabilities and their performance on regular statewide assessments as compared to nondisabled children, and the performance of children with disabilities on alternate assessments;
 - (ii) improving the participation of children with disabilities in the general education curriculum;
 - (iii) improving the transitions of children with disabilities at natural transition points;
 - (iv) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;
 - (v) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;
 - (vi) addressing the reading and literacy needs of children with disabilities;
 - (vii) reducing the inappropriate overidentification of children, especially minority and limited English proficient children, as having a disability;
 - (viii) improving the participation of parents of children with disabilities in the education of their children; and
 - (ix) resolving disagreements between education personnel and parents through alternate dispute resolution activities, including mediation.

Because of the wide range of topics specified for the National Assessment of IDEA, IES initiated two studies in 2006 to develop design options, one for an evaluation of the IDEA Personnel Development Program (PDP), and another for the evaluation of IDEA more generally. The studies gathered insights from practitioners, special education researchers, and program evaluation experts to frame research questions for possible inclusion in studies under this National Assessment, and to identify options for data collection and analysis to address these questions.¹² The members of the Technical Working Groups (TWGs) advising these studies are identified at the end of this Overview. In addition, senior staff from NCEE, NCSER, and OSEP participated in the TWG meetings for each design study.

To provide background context for the National Assessment of IDEA, IES has initiated descriptive studies of the population of children and youth with disabilities and of IDEA services and personnel. The TWG advising the design of the National Assessment of IDEA recommended that IES conduct such studies to provide nationally representative, population-based descriptive information and context for subsequent studies of the implementation and outcomes of IDEA-related programs and services. The first descriptive study IES contracted for entailed analysis of extant data on children and youth with disabilities and resulted in the report, *Patterns in the Identification of and Outcomes for Children and Youth with Disabilities*.¹³ In 2010, IES awarded a new contract to analyze extant data for a second descriptive study, focusing on early intervention and special education services and personnel.

Informed by the work of the design studies and the studies providing background on the population of children and youth identified for services under IDEA, and in consultation with NCSE and OSEP, NCEE has initiated five evaluation studies as part of the National Assessment of IDEA. These studies fall into two broad areas: (1) studies of the implementation of IDEA programs; and (2) studies of outcomes and effects associated with IDEA-related services.

Studies of IDEA Program Implementation

IDEA specifies that the National Assessment include evaluations of the implementation of programs supported under the law. IES has contracted for three studies of IDEA implementation by grantees receiving IDEA funds. The broadest implementation study initiated by IES under the National Assessment of IDEA focuses on the implementation of Part C grants by state agencies, and of Part B grants by state educational agencies (SEAs) and school districts. Two other implementation studies focus on specific programs supported under IDEA Part D: the IDEA Personnel Development Program, and the IDEA Technical Assistance and Dissemination Program.

IDEA National Assessment Implementation Study

The IDEA National Assessment Implementation Study (IDEA-NAIS) provides a national picture of state agency and school district implementation of IDEA. A summary of the IDEA-NAIS study findings is included in Section II, below.

Evaluation of the IDEA Personnel Development Program

Authorized in Section 662 of IDEA, the Personnel Development to Improve Services and Results for Children with Disabilities Program (PDP) awards grants designed to address state-identified needs for personnel who work with children with disabilities. A portion of the grants is awarded to National Centers to provide national capacity building and scientifically based products and services to a variety of audiences. Grants are also awarded to specific institutes of higher education to develop courses of study for special education teachers and other service providers. These grants can be used to improve the quality of personnel preparation programs (e.g., hiring faculty; creating new classes) and for stipends that support students enrolled in the programs.

This descriptive evaluation of the PDP includes two components: (1) a study of PDP grants to colleges and universities to train personnel providing direct services to children with disabilities; and

(2) a study of National Centers providing indirect support for IDEA personnel preparation. The study team catalogued the products and services provided by National Centers with PDP funds, and submitted samples of those products and services to panels of experts to be rated along the dimensions of quality and relevance/usefulness. The study of PDP training grants included a survey of both funded and non-funded applicants from the FY 2006 and FY 2007 grant competitions. This survey gathered information on the use of PDP funds, enrollment in courses of study, and results for courses of study not receiving PDP funds. Panels of experts rated the quality and relevance/usefulness of additions and modifications to funded courses of study. IES expects to release the report from this evaluation in 2012.

Evaluation of the IDEA Technical Assistance and Dissemination Program

As specified in Section 663 of IDEA, the Technical Assistance and Dissemination (TA&D) Program provides technical assistance, supports model demonstration projects, disseminates information, and implements activities to address the needs of children and youth with disabilities. The National Evaluation of the IDEA TA&D Program is designed to describe the relationship between TA&D providers and their clients, client needs for technical assistance to support their implementation of IDEA, and the extent to which TA&D services are associated with the implementation of supported practices and improved students outcomes. The study will rely on semi-structured interviews with TA&D grant directors, surveys of all state special education (IDEA Part B) and early intervention (IDEA Part C) directors, and follow-up data collection on local practices and child outcomes. IES expects to release reports from the TA&D evaluation in 2013 and 2014.

Studies of Outcomes and Effects Associated with IDEA-Related Services

IDEA specifies that the National Assessment include evaluations of the effectiveness of programs and services supported under the law. A challenge when studying the effectiveness of IDEA-related policies is distinguishing the effects of the policies themselves from differences arising from the characteristics of the children receiving, or of the personnel providing, services. IES has investigated the feasibility of both experimental and quasi-experimental designs to study outcomes and effects associated with IDEA-related services. One ongoing study is focusing on associations between schools' accountability for the performance of elementary and middle school students with disabilities, and educational practices and outcomes for these students. Another ongoing study is investigating the practices, outcomes, and effects associated with Response to Intervention programs for elementary school reading.

School Accountability Status and Outcomes for Students with Disabilities

Section 601(c) of IDEA calls specifically for "coordinating this title with other local, educational service agency, State, and Federal school improvement efforts, including improvement efforts under the Elementary and Secondary Education Act of 1965, in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place

where such children are sent.” Because of minimum subgroup size requirements that vary by state and are not met by all schools, not all schools are accountable, under either ESEA or state rules, for the academic performance of students with disabilities as a distinct subgroup of their enrollment. Consequently, only some schools are at risk of being identified for improvement because of the academic performance of the students with disabilities subgroup.

Through the Study of School Accountability Status and Outcomes for Students with Disabilities, IES is addressing the extent to which schools are accountable under ESEA or state rules for the students with disabilities (SWD) subgroup, and how this accountability varies across states, over time, and by type of school. IES is also investigating how a school’s accountability for the SWD subgroup relates to the school’s identification for improvement and to educational practices and academic outcomes for students with disabilities. The study team is using extant data to analyze the accountability status of schools and the academic performance of students with disabilities. Surveys of principals and special educators in a sample of elementary and middle schools in Spring 2011 will provide data on educational practices for students with disabilities. IES expects to release reports from this study in 2012 and 2013.

Evaluation of Response to Intervention Practices for Elementary School Reading

Response to Intervention (RtI) is a term used to describe a range of practices for monitoring progress in the academic and behavioral domains and for providing interventions in these areas. In principle, RtI begins with research-based instruction and behavioral support provided to students in the general education classroom, followed by screening of all students to identify those who may need systematic progress monitoring, intervention, or support. Students who are not responding to the general education curriculum and instruction are provided with increasingly intensive interventions through a “tiered” system, and they are regularly monitored to assess their progress and inform the choice of future interventions.¹⁴ The 2004 amendments to IDEA allowed RtI to be used as one component of eligibility determination for specific learning disabilities. OSEP guidance and technical assistance have also sanctioned the use of some IDEA Part B funds to support RtI as a form of Coordinated Early Intervening Services (CEIS) for children not yet identified for special education but needing academic or behavioral support to succeed in a general education setting.

Building on IDEA-NAIS findings on RtI implementation at the state and school district levels, the Evaluation of Response to Intervention Practices for Elementary School Reading will study the effects of secondary reading interventions on academic achievement for children who have been identified as being at risk for reading difficulties. The evaluation will describe how RtI practices for early grade reading vary across schools, and how academic outcomes, including reading achievement and special education identification, vary with elementary schools’ adoption of these practices. The evaluation will use a regression discontinuity design to estimate the outcomes and effects associated with RtI practices for children identified for extra assistance in early reading. To support and provide descriptive context for this analysis, the study team will collect both extant and new data on school practices and child outcomes in schools experienced with RtI programs and from a sample of comparison schools. IES expects the study report from the RtI evaluation to be released in 2013.

II. Abridged Summary of IDEA National Assessment Implementation Study

The Individuals with Disabilities Education Improvement Act of 2004 is the most recent reauthorization of the Individuals with Disabilities Education Act (IDEA), federal legislation that authorizes the Secretary of Education to provide grants to states to assist them in the provision of early intervention and special education and related services to children with disabilities. Section 664(b) of the Individuals with Disabilities Education Improvement Act of 2004 requires that the Secretary of Education delegate to the Institute of Education Sciences (IES) responsibility for conducting an assessment of national activities under the law, known as the “National Assessment of IDEA.” The Individuals with Disabilities Education Act National Assessment Implementation Study (IDEA-NAIS) is one study of the implementation of IDEA programs that contributes to the overall National Assessment. The IDEA-NAIS focuses on four areas: services to young children with disabilities; identification of children and youth with disabilities; efforts to promote positive developmental and educational outcomes for children and youth with disabilities; and dispute resolution. Within each area, the IDEA-NAIS focuses on the implementation of select provisions of IDEA that were introduced or revised in the 2004 reauthorization of the law and complements the work of the other National Assessment studies.¹⁵ The IDEA-NAIS also examines key IDEA provisions that were introduced prior to the 2004 authorization but were not included in earlier national studies.

The Scope of Early Intervention and Special Education

The IDEA Part C program supports early intervention services to infants and toddlers with disabilities and their families and, at state discretion, those at risk for developmental delays and disabilities, from birth through age 2. The IDEA Part B 619 program supports special education and related services to preschool-age children with disabilities (ages 3 through 5) and the IDEA Part B 611 program provides funds to support the provision of a free appropriate public education (FAPE) for children and youth with disabilities ages 6 through 17, and ages 3 through 5 and 18 through 21 if those ages are included in the mandatory age range for the provision of FAPE under state law. Federal appropriations to states for early intervention and special education have been between \$11 and \$12 billion since 2004.¹⁶ Nearly seven million children with disabilities from birth through age 21 receive services under IDEA. Services through the Part C early intervention program were provided to 316,730 infants and toddlers birth through age 2 in 2007. Part B special education program services were provided to 700,166 children with disabilities ages 3 through 5 and 5,905,854 students with disabilities ages 6 through 21.¹⁷

Methods and Report Contents

The IDEA-NAIS provides a national picture of state educational agency (SEA) and local educational agency (LEA) implementation of IDEA. Findings are based primarily on survey data from 50 states and the District of Columbia and a nationally representative sample of 1,200 school districts. Three

state-level surveys collected data from: (1) state Part C program coordinators who are responsible for early intervention programs serving infants and toddlers; (2) state Part B program coordinators who oversee programs for preschool-age children with disabilities; and (3) state Part B program coordinators who oversee programs providing special education services to children and youth with disabilities. The fourth survey collected data from local special education administrators at the district level. The state agency surveys had a 100 percent response rate and the district survey achieved a 96 percent response rate. The surveys were fielded in January and February of 2009 and requested data about policies and practices that were in place for that year. The IDEA-NAIS also collected extant data to reduce duplication of reporting and to complement survey data by adding more information for the reader.

Providing Services to Young Children

The state-administered services now referred to as the IDEA Part C early intervention program for infants and toddlers were first authorized in 1986 as Part H of the Education of the Handicapped Act Amendments of 1986 (P.L. 99-457). Part H established the first national program of federal grants to states to develop and implement a statewide system of services for infants and toddlers with disabilities and their families, in response to what Congress saw as an urgent and substantial need to serve this population. Since the creation of Part H in 1986, the core policies of the Part C program have changed little. The program's initial mandate remains the same: that states make available to infants and toddlers with disabilities and their families, early intervention services that are family-focused, multidisciplinary and provided through strong collaborative interagency efforts. For toddlers with disabilities who are eligible for special education and related services at age 3, children and families must make a transition from receipt of Part C early intervention program services to receipt of Part B preschool-age special education program services. From the initial Part H legislation in 1986 (P.L. 99-457), there has been consistent federal acknowledgement of the importance of making the transition from the Part C program to the Part B program as smooth as possible for both children and families.

Implementation of the IDEA Part C Early Intervention Program for Infants and Toddlers

The IDEA-NAIS represents the first comprehensive investigation of early intervention implementation by IDEA Part C program state agencies. As such, key roles and responsibilities of state agencies in providing Part C program services were investigated including: state lead agency; funding and funding sources; outreach activities and referral sources; family participation; involvement of local agencies in service delivery; and service provision and coordination.

What are the Part C early intervention program administrative, funding and service delivery models?

Health and human services agencies lead Part C early intervention efforts in most states.

Beginning with the 1986 Part H legislation, each governor has had the discretion to designate a state agency to lead early intervention efforts. Most states (37) have designated health or human services agencies as the lead agency for Part C early intervention program services, with 11 states placing

responsibility for the Part C program in state education agencies and two states sharing responsibility for Part C program services across the health/human services and education agencies.

Common funding sources for Part C early intervention services across states are IDEA Part C funds, Medicaid/Title XIX, and state early intervention funds. The Part C statute permits the state lead agency that administers the Part C program to establish a “system of payments” for early intervention services. The system of payments may include funds from a range of federal, state, local and private sources, including public and private insurance coverage and sliding scale-based parent fees (20 U.S.C. § 1431). IDEA Part C program funds are meant to be used only as the “payor of last resort,” meaning Part C funds may not be used to satisfy a financial commitment for services that would have been paid for from another public or private source (20 U.S.C. § 1440). When asked to identify the three largest funding sources in their state, 45 state respondents included IDEA Part C funds, 40 included Medicaid/Title XIX and 37 included state early intervention funds. Across the 37 Part C program respondents that indicated the percentage of Part C early intervention services funding that came from IDEA Part C for fiscal year 2009, the mean percentage was 21.

Twenty-seven states have a family cost participation (FCP) policy. The system of payments set up by state Part C program agencies may include, at a state’s discretion, payments made by participating families, commonly known as family cost participation. This term refers to state policies and procedures specifying families’ contribution to the cost of Part C program services, either indirectly by using a family’s private health insurance coverage or directly by charging the family a fee. IDEA specifies that family cost participation must be based on a family’s ability to pay [20 U.S.C. § 1432 (4)(B)]. As of early 2009, 27 state Part C program agencies had a family cost participation (FCP) policy. Of the 27 states with an FCP policy, 12 include both private insurance and family fees, 10 include only private insurance and 5 include family fees only.

The most common Part C early intervention outreach activity across state agencies is the development/dissemination of written material for pediatricians and other health care providers for infants and toddlers. As part of the statutory requirements for implementing Part C programs, states must conduct public awareness or outreach activities and accept referrals from families and other knowledgeable sources. Conducting outreach activities to identify young children with disabilities has been integral to Part C program services since the 1986 reauthorization. The development/dissemination of written materials for pediatricians and other health care providers was reported across 47 states (Exhibit S.1).

Families and primary health care providers are the most frequent referral sources for early intervention services for infants and toddlers across states. Twenty-eight states reported families to be the most frequent referral source for Part C early intervention programs and 20 states reported primary health care providers to be the most frequent referral source. Almost all states (49 and 48 respectively) included families and primary health care providers as one of their three most frequent referral sources (Exhibit S.2).

Exhibit S.1: State-Reported Activities to Support the Identification of Infants and Toddlers with Disabilities (Fiscal Year 2009 and School Year 2008–2009)

Type of Activity	Part C Program	
	N	%
Development/dissemination of written materials for pediatricians and other health care providers	47	94.00
Web-based information and other electronic materials	45	90.00
Development/dissemination of written materials for child care centers, nursery schools and other facilities	43	86.00
Outreach to referral sources	41	82.00
Workshops for pediatricians and other health care providers	26	52.00
Workshops for staff from child care centers, nursery schools and other facilities	26	52.00
Outreach through radio, TV, newspapers and other print media	24	48.00
Other	8	16.00

N = 50.

Exhibit S.2: Most Frequent Referral Sources for Part C Program Services (Fiscal Year 2009)

Referral Source	States Reporting as Most Frequent Referral Source		States Reporting as One of Three Most Frequent Referral Sources	
	N	%	N	%
Families	28	56.00	49	98.00
Primary health care providers	20	40.00	48	96.00
Health departments	1	2.00	10	20.00
Other	1	2.00	10	20.00
Private agencies	0	0.00	2	4.00
Local school districts	0	0.00	5	10.00
Social service agencies (e.g., Head Start)	0	0.00	21	42.00
Regional agencies (e.g., service centers)	0	0.00	4	8.00

For most frequent referral source, N = 50; for second-most frequent referral source, N = 50; for third-most frequent referral source, N = 49.

Transitions from the Part C Early Intervention Program and to the Part B Preschool-Age Special Education Program

For toddlers with disabilities who are eligible for special education and related services at age 3, children and families must make a transition from receipt of Part C program early intervention services to receipt of Part B program services. Because the Part C programs and Part B programs are typically administered by different state agencies and have different program requirements, the transition from the Part C program likely involves a number of changes for the children and their families, including a different state lead agency, different service staff, often different service delivery settings, and possibly different services or similar services with a different purpose or scope. As mentioned above, the importance of facilitating this transition for both children and families has been consistently acknowledged in federal law since the reauthorization of Part H in 1986. The Office of Special Education Programs (OSEP) funds multiple technical assistance centers that focus on providing support and guidance to states with the goal of improving the transition experience for children and families.

Given the importance of the transition process from the Part C program to the Part B program, the IDEA-NAIS focused on ways in which the state agencies work collaboratively and how the state agencies support children who transition from one program to the other.

How are the Part C early intervention program lead agencies coordinated with the Part B special education program lead agencies, specifically in the support of children who may transition across programs?

Most Part C early intervention program and preschool-age special education program coordinators meet at least monthly; in almost all states transitions are regularly addressed during the Part C program/Part B preschool-age program coordinator meetings. Early intervention and preschool-age special education services are led by different state coordinators in 46 states and, thus, collaboration and communication across programs are necessary. Among the 46 states with separate leadership, 67 percent of the early intervention coordinators reported meeting with the preschool-age special education coordinators at least monthly and the remaining 33 percent of the Part C program coordinators reported meeting more than six times a year but not monthly. Ninety-eight percent of the Part C program coordinators in states with separate leadership indicated that the topic of “transitions” was the most prevalent topic regularly addressed in these meetings.

Part C early intervention and Part B preschool-age special education state agencies provide technical assistance to local providers on transitions. Part C early intervention program and Part B preschool-age special education program state agencies support the transition of children with disabilities from receiving Part C program services to receiving preschool-age Part B program services in multiple ways. Most often, this support reportedly entails providing technical assistance to local providers on transition (conducted in 50 states by the Part C early intervention program agency; conducted in 50 states by the Part B preschool-age special education program agency); developing transition policies (conducted in 48 and 46 states by the Part C and Part B agencies respectively); and developing and disseminating materials for parents on the transition from the Part C program to the Part B program (in 41 and 36 states by the Part C and Part B agencies respectively). Almost all Part C and Part B state agencies conduct multiple activities to support the transition of children with

disabilities from the Part C program. Forty-four early intervention program coordinators and 44 preschool-age special education program coordinators reported conducting three or more activities to support transitions.

No state reported implementing the Part C Option. This option permits the Part C program agency to continue serving children from age 3 until entrance into kindergarten. In all states, preschool-age children with disabilities are served by the Part B program. Insufficient funds was the most commonly cited reason states reported for not implementing the Part C Option (41 states).

Identification of Students Needing Special Education

The 2004 reauthorization of IDEA introduced several interrelated changes related to the identification of children with disabilities. These changes focus on two broad areas. First, the 2004 reauthorization attempts to address overrepresentation of racial and ethnic minority students in special education (“disproportionality”) by allowing districts to use some of their IDEA Part B funds to develop and implement Coordinated Early Intervening Services (CEIS) for students who are not yet identified as needing special education but who need additional support to succeed in a general education environment. Second, the 2004 legislation introduced changes in the identification of students in the disability category of Specific Learning Disability (SLD). Response to Intervention (RtI) is linked both to CEIS and to changes in eligibility criteria for students with SLD; CEIS funds can be used to implement an RtI process and data from the RtI process can be used as one component of the eligibility determinations.

Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS) is a provision introduced to IDEA in 2004 that allows districts to use up to 15 percent of their Part B funds to develop and provide services for children who are not yet identified as in need of special education. While generally optional for districts, the provision of CEIS is required if an LEA is identified by the state as having a disproportionate representation of racial and ethnic groups in: the identification of children with disabilities; the identification of children with disabilities in a particular impairment category; the placement of children in particular educational settings; and/or the incidence, duration and type of disciplinary actions, including suspensions and expulsions. In the case of a determination of significant disproportionality, these coordinated early intervening services must serve particularly, but not exclusively, students in racial and ethnic groups that are significantly overidentified. CEIS are designed as services for students in kindergarten through 12th grade, with a particular emphasis on students in kindergarten through 3rd grade.¹⁸

Given the new opportunity or requirement for districts to support students prior to special education identification with IDEA funds, the IDEA-NAIS focused on the implementation of this support.

How are state agencies and school districts implementing Coordinated Early Intervening Services (CEIS)?

In 3 percent of districts, CEIS is required due to significant disproportionality. Overall, 2.9 percent of districts nationally were required to use CEIS during the 2008–2009 school year as a result of significant disproportionality in at least one area. Just over 2 (2.3) percent of districts were required to provide CEIS due to significant disproportionality in identification and under 1 percent of districts were required to provide CEIS due to significant disproportionality in placement (0.7 percent) or discipline (0.3 percent).

Eleven percent of districts are voluntarily implementing CEIS. LEAs that are not identified as having significant disproportionality may choose to use up to 15 percent of their Part B funds to develop and provide CEIS for children who are not yet identified as being in need of special education services. Most districts (85 percent) reported neither being required nor volunteering to use Part B funds for CEIS, whereas 11 percent of districts nationally were not required but voluntarily used a portion of their Part B funds to implement CEIS in the 2008–2009 school year.

CEIS is commonly used for literacy instruction. Eighty-two percent of districts mandated to provide CEIS and 84 percent of districts electing to provide CEIS use Part B funds to provide direct instruction, evaluation or supplies related to literacy instruction. Other CEIS activities commonly supported by Part B funds include: response to intervention (82 percent of CEIS-mandated districts and 67 percent of CEIS-voluntary districts); behavioral interventions (63 percent of CEIS-mandated districts and 60 percent of CEIS-voluntary districts); math instruction (63 percent of CEIS-mandated districts and 49 percent of CEIS-voluntary districts); adaptive and instructional software (55 percent of CEIS-mandated districts and 41 percent of CEIS-voluntary districts); educational evaluations (43 percent of CEIS-mandated districts and 46 percent of CEIS-voluntary districts); and behavioral evaluations (47 percent of CEIS-mandated districts and 37 percent of CEIS-voluntary districts).

CEIS is commonly implemented at the elementary school level. In districts providing CEIS, 93 percent of districts provide CEIS at the elementary school level, whether required or electing to provide CEIS. Of districts required to provide CEIS, 56 percent do so at the middle school and 41 percent do so at the high school level. Of districts electing to provide CEIS, 41 percent do so at the middle school level and 33 percent do so at the high school level.

Response to Intervention (RtI) and Specific Learning Disability (SLD) Eligibility

Response to Intervention (RtI) is a term used to describe a range of practices for monitoring progress in the academic and behavioral domains and for providing interventions in these areas. RtI occurs within the general education setting in collaboration with the activities of other experts such as special educators and school psychologists. The 2004 IDEA amendments incorporated RtI into the regulations in two ways. First, the amendments allowed RtI to be used as one component of eligibility determination for specific learning disabilities. Second, they identified educational and behavioral evaluations and services and supports as possible means for implementing CEIS. Guidance from the Office of Special Education Programs (OSEP) explicitly links CEIS and RtI by sanctioning the use of CEIS funds to support RtI as long as CEIS funds are used for services to nondisabled students in need of additional academic or behavioral support and supplement, not supplant, other funds used to implement RtI.¹⁹ OSEP has supported the implementation of RtI by funding a number of related national centers focused on progress monitoring, response to intervention, response to intervention in early childhood, positive behavior interventions, and learning disabilities.

Due to the attention to, and support for, response to intervention as a method of providing services and a source of information for the identification of students in the category of SLD, the IDEA-NAIS focused on the implementation of RtI and the use of RtI data in SLD identification.

Are state agencies and school districts implementing Response to Intervention (RtI) and what types of data are used to determine specific learning disability (SLD) eligibility?

State agencies support the implementation of RtI. In all but two states, there is a state-level RtI task force, commission, or internal working group according to special education coordinators. Other commonly reported state activities and resources include: the provision of training on RtI (40 states), the issuance of RtI guidelines (39 states), and the provision of RtI information on SEA websites (39 states).

Most school districts are implementing RtI. To describe the extent of RtI practices in use across school districts in the U.S., the IDEA-NAIS district survey asked whether RtI is being used in at least one school in the district. Seventy-one percent of districts nationally reported that RtI is being used.

Nationally, RtI is common in elementary schools. RtI is used in 61 percent of all elementary schools, 45 percent of middle schools and 29 percent of high schools.

RtI is often implemented as a partnership between the general and special education staffs. Nationally, 75 percent of districts reported that RtI implementation is led by jointly by general and special educators. Eighteen percent of districts reported that RtI is led by general educators and 8 percent reported that special education staff lead RtI.

Nationally, across school districts, RtI is common in reading/language arts. Seventy percent of districts reported using RtI in reading/language arts in elementary schools, 48 percent reported using RtI in reading/language arts in middle schools, and 31 percent using RtI in reading/language arts in high schools (Exhibit S.3).

Exhibit S.3: Percentage of Districts Using RtI by Subject Areas by School Level (School Year 2008–2009)

School Level	Subject Areas				
	Reading/ Language Arts	Math	Behavior	Writing	Other
Elementary school	70.12	47.06	36.37	27.47	1.57
Middle school	47.62	38.10	32.56	21.52	1.40
High school	30.51	28.06	18.50	16.94	1.65
Other school	8.47	6.26	7.77	3.36	0.76

For elementary schools, N = 1,082; for middle schools, N = 880; for high schools, N = 914; for other schools, N = 393.

District general funds are commonly used to support RtI. District respondents who reported district usage of RtI during the 2008–2009 school year listed each source used to fund training and implementation of RtI; if more than one source was selected, they indicated the one funding source that provides the most support for the implementation of RtI. Nationally, among districts where RtI

was being used, 80 percent indicated that general funds are used to support RtI; 46 percent reported using Title I funds and 41 percent reported using some type of IDEA funds, with 13 percent of districts reporting using IDEA Coordinated Early Intervening Services funds²⁰ (Exhibit S.4). Among districts implementing RtI, about half (48 percent) indicated that district general funds provide the most support for RtI implementation.

Exhibit S.4: Funding Sources for District Use of RtI (School Year 2008-2009)

Source of Funding	Districts with Any Funding Used	Districts Where Source Is Providing the Most Support
	%	%
District general funds	79.70	48.08
Combined Title I funds	45.83	19.36
No Child Left Behind (or ESEA) Title I-A School-wide or Targeted Assistance funds	44.40	17.43
NCLB Title I-B Reading First funds	9.08	1.92
Combined IDEA funds	40.56	21.91
IDEA Coordinated Early Intervening Services (CEIS) funds ^a	12.79	6.92
IDEA Part B flow-through funds, other than funds used for CEIS	19.88	6.86
IDEA district discretionary funds, other than funds used for CEIS	7.09	2.26
IDEA state discretionary funds	5.99	1.71
Other sources	30.00	10.56
NCLB Title II-A funds	19.46	5.08
NCLB Title III funds	3.32	0.00
NCLB Title V grants for innovation	1.60	†
State Improvement Grant (SIG) or State Personnel Development Grant (SPDG)	8.92	4.15
Other	10.14	5.19

† Values suppressed to protect respondent confidentiality.

For identified at least one source, N = 857.

^a Although the survey used the term “Early Intervening Services” (EIS), the current terminology is “Coordinated Early Intervention Services” (CEIS).

Most states permit the use of RtI data or an alternative method as well as a discrepancy model in the identification of students in the category of specific learning disabilities. When surveyed about the determination of eligibility for SLD, most SEAs (37) reported allowing the use of an IQ-achievement discrepancy model as well as the inclusion of RtI data or an alternative method in determining eligibility. Additionally, 6 states permit the discrepancy model and require the inclusion of RtI data and 7 states use RtI data or an alternative method and disallow the use of the discrepancy model.

About half of districts incorporate data from the RtI process and also use a discrepancy model in determining special education eligibility for SLD. Fifty-three percent of districts use both RtI data and discrepancy data; 35 percent of districts use discrepancy model data without use of RtI data; and 12 percent of districts use RtI without use of discrepancy model data in determining special education eligibility for SLD.

Efforts to Promote Positive Educational Outcomes for Children and Youth with Disabilities

The 2004 IDEA legislation strengthened ongoing efforts to promote positive educational outcomes for children and youth with disabilities. The IDEA-NAIS examined aspects of IDEA geared to this goal of improving outcomes through the inclusion of qualified personnel provisions. IDEA requires that all public elementary and secondary special education teachers be “highly qualified” as special education teachers. The IDEA 2004 definition of “highly qualified special education teachers” is aligned with ESEA’s highly qualified requirements. Designation of a new special education teacher as a highly qualified special education teacher requires individuals to meet the ESEA requirements. The ESEA requires highly qualified teachers to: 1) have a bachelor’s degree, 2) have full state certification or licensure, and 3) demonstrate subject-matter knowledge for the subjects they teach. All veteran special education teachers who taught core academic subjects were required under the 2004 IDEA legislation either to: 1) pass a rigorous state academic test in subjects taught, 2) complete an undergraduate academic major in subjects taught, 3) complete a graduate degree in subjects taught, 4) complete coursework equivalent to an undergraduate academic major, advanced certification, or credentialing, or 5) complete a state’s High Objective Uniform State Standards of Evaluation (HOUSSE) procedures. Federal requirements regarding Part B program related service providers stipulate that qualified staff will meet qualifications consistent with state-approved or state-recognized certification, licensure, registration or comparable requirements for their specific discipline.

To provide a national picture of the implementation of special education staff requirements across states, the IDEA-NAIS examined: the percentage of qualified staff in the Part B program personnel (teachers, related service providers and paraprofessionals)²¹ and Part B program licensing and regulations for new and veteran teachers and other personnel.

How are states and school districts implementing measures to improve child and youth outcomes through highly qualified staff?

Nationally, almost 90 percent of special education teachers for preschool-age children with disabilities and school-age children and youth with disabilities are highly qualified. However, there is substantial variation across states in the percentage of qualified teachers. The Data Accountability Center (DAC) provides data from Fall 2006²² which demonstrate that nationally, 88 percent of special education teachers for preschool-age children with disabilities and 89 percent of special education teachers for school-age children and youth with disabilities met the highly qualified teacher provisions of IDEA and ESEA. States ranged in the percentage of highly qualified special education teachers for preschool-age children from a low of 56 percent to a high of 100 percent. For

special education teachers for school-age children and youth, states ranged from a low of 46 percent to a high of 100 percent.

Nationally, over 80 percent of paraprofessionals are qualified while there is substantial variation across states in the percentage of qualified paraprofessionals. The Data Accountability Center personnel data indicate that nationally, 84 percent of paraprofessionals for preschool-age children with disabilities are qualified and 87 percent of paraprofessionals for school-age children and youth with disabilities are qualified. States range in the percentage of qualified paraprofessionals for preschool-age children from a low of 3 percent to a high of 100 percent. The state-level percentage of qualified paraprofessionals providing services to school-age children and youth ranges from a low of 1 percent to a high of 100 percent.

Across most states, preschool special education staff can qualify for licensure or certification in various ways. An undergraduate or graduate degree program is required to meet state certification/licensure requirements for preschool special education staff (i.e., teachers, related service personnel, and paraprofessionals) in 45 states and is optional in an additional 2 states. In more than half the states (35), passing an exam/proficiency test is required (Exhibit S.5).

Exhibit S.5: Ways in Which Preschool Special Education Staff Qualify for Certification (School Year 2008–2009)

Methods	Required		Optional		Not Applicable	
	States		States		States	
	N	%	N	%	N	%
Undergraduate or graduate degree program	45	90.00	2	4.00	3	6.00
Exam/proficiency test	35	70.00	3	6.00	12	24.00
Coursework (not leading to a degree)	12	24.00	5	10.00	33	66.00
Portfolio	6	12.00	5	10.00	39	78.00
Other	8	16.00	2	4.00	40	80.00

N = 50.

To qualify as a highly qualified special education teacher, most states permit the demonstration of subject-matter competency through the successful completion of a subject-matter test, typically a Praxis Series Test, or through a degree in the content area. A review of state regulations for a highly qualified determination for new special education teachers revealed eight ways states permit the demonstration of subject-matter competency (Exhibit S.6). The most common option is for an individual to pass a state-specified subject-matter content test (40 states). Degrees in the content area are accepted as demonstration of subject-matter competency in 32 states. Credit hours equal to a major are accepted as demonstration of subject-matter competency in 31 states. Forty states have regulations which indicate individuals could demonstrate subject-matter competency by passing a specific content test and use at least one of the Educational Testing Service (ETS) *Praxis Series: Teacher Licensure and Certification* as a state-specified subject-matter content test. Regulations in 12 states indicate a non-Praxis series test could be used to demonstrate subject-matter competency.

Exhibit S.6: State Options for New Elementary or Secondary Teachers to Demonstrate Subject-Matter Competency for Identification as Highly Qualified Special Education Teachers

Overall	Total N	States	%
Specific state content test	40	AL, AK, AZ, AR, CA, CO, CT, DC, FL, GA, HI, ID, IL, IN, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NY, ND, OR, PA, SD, TN, TX, UT, VT, VA, WV, WI, WY	78.43
Undergraduate major in content area	32	AL, AK, AZ, AR, CA, CO, CT, DC, GA, HI, ID, IL, IN, KY, LA, ME, MD, MA, MI, MN, NV, NJ, NM, NY, OR, PA, SD, TN, TX, UT, VA, WY	62.75
Credit hours equal to major	31	AL, AK, AZ, AR, CA, CO, DC, HI, ID, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NJ, NM, NY, OR, PA, TN, TX, UT, VA	60.78
Graduate degree in content area	25	AL, AZ, AR, CA, CT, DC, IL, IN, KY, LA, ME, MD, MA, MN, NE, NV, NM, NY, OK, OR, SD, TN, TX, UT, VA	49.02
Professional educator certificate	10	AL, FL, GA, IL, MD, MT, NV, NM, NY, TX	19.61
National board certification	16	AZ, AR, CO, DC, FL, ID, IL, ME, MD, MA, MI, NE, NJ, NM, OR, UT	31.37
HOUSSE is an option	17	AZ, CO, CT, IL, KS, ME, MD, MA, MO, MT, NE, NV, NJ, NY, OK, VA, WV	33.33
Other	5	CA, CO, MT, VT, WY	9.80

N = 51.

Districts report difficulty finding qualified secondary school special education applicants, particularly in mathematics. Nationally, LEAs reported that approximately 5 percent of preschool-age and school-age special education teacher full-time positions were left vacant in the 2008–2009 school year. About half of the district Part B special education administrators (51 percent) reported their district routinely had difficulty finding qualified special education applicants over the past three years. Among the districts indicating that qualified applicants were difficult to find, more than half reported having difficulty finding qualified special education teachers who serve children in high school (58 percent of districts with shortages). At the high school level, among districts with shortages, qualified mathematics and science special education teachers were reported as difficult for districts to find (49 percent and 38 percent respectively). Qualified special education teachers who serve children in middle school were reported as difficult to find in about half of the districts reporting difficulty (49 percent of districts with shortages).

Finding qualified teachers to work with children and youth with emotional disturbances/behavioral disorders and autism is also difficult for districts. Among the districts indicating that qualified applicants were difficult to find, more than half reported difficulty in finding qualified teachers who primarily serve children with emotional disturbance/behavior disorders (55 percent; Exhibit S.7). Teachers for other disability categories were also reported to be hard to find for some districts, particularly teachers who serve students with autism (46 percent of districts with shortages).

Exhibit S.7: Types of Special Education Teachers for Which District Has Routinely Experienced Difficulty Finding Qualified Applicants over the Past Three Years among Districts with Shortages (School Years 2006–2007, 2007–2008, and 2008–2009)

	Districts
	%
Special education teachers who serve children in:	
High school	58.34
Middle school	49.16
Elementary school	39.10
Preschool	24.32
Vocational or alternative school	11.78
Secondary school special education teachers of:	
Mathematics	48.70
Science	37.68
English/language arts	27.23
Social studies (including history, civics, geography and economics)	19.78
Other subjects	7.36
Special education teachers who primarily serve children with:	
Emotional disturbance/behavior disorders	54.65
Autism	46.12
Mental retardation	29.27
Learning disabilities	28.91
Other low-incidence disabilities (e.g., other health impairments, orthopedic impairments, multiple disabilities)	28.23
Sensory impairments (hearing/vision)	27.00
Developmental delays	22.41
Other	9.23

For experiencing difficulty in finding qualified applicants, N = 1,148. For particular types of teachers, N = 725, except for secondary school special education teachers of social studies and other subjects where N = 724.

States reported using various strategies to increase the number of qualified special educators, qualified preschool special education staff, and highly qualified special education teachers. A common strategy employed by states to increase the number of qualified special educators, qualified preschool special education staff, and highly qualified special education teachers is collaboration with universities to create programs and curricula to ensure that graduates meet standards (31, 27, and 33 states respectively; Exhibit S.8). In addition to collaborating with universities, common strategies for increasing the number of highly qualified teachers include: the provision of alternative routes to certification for persons with a bachelor's degree (31 states), alternative routes for those with a content certification or a special education degree (36 states) and the provision of funding for teacher participation in professional development (26 states; Exhibit S.8).

Exhibit S.8: Strategies Used by States to Increase the Number of Qualified Special Educators, Qualified Preschool Special Education Staff, and Highly Qualified Teachers (Fiscal Years 2008 and 2009; School Years 2007–2008, 2008–2009)

	Qualified Special Educators (FY 2008 and 2009)		Preschool Special Education Staff (SY 2007–2008 and 2008–2009)		Highly Qualified Special Education Teachers (SY 2007–2008 and 2008–2009)	
	N	%	N	%	N	%
Collaborate with universities to create programs and curricula to ensure that graduates meet standards	31	62.00	27	52.94	33	64.71
Provide alternative routes to certification in special education for persons with a bachelors degree	13	26.00	18	35.29	31	60.78
Provide funding for teachers to participate in professional development opportunities	11	22.00	16	31.37	26	50.98
Provide alternative routes to certification in special education for persons with content area certification/a special education degree	9	18.00	22	41.18	36	70.59
Pay for tutoring to prepare teachers for certifications tests/licensure exams	1	2.00	3	5.88	10	19.61
Pay fees for tests/licensure exams	1	2.00	1	1.96	15	29.41
Provide free or subsidized training for highly qualified secondary school teachers to obtain special education credentials	—	—	—	—	7	13.73
Provide free or subsidized training for special education teachers to obtain content area credentials	—	—	—	—	13	25.49
Other	10	20.00	6	11.76	8	15.69
None of the above	9	18.00	11	21.57	2	3.92

For Part C respondents, N = 50; for Part B preschool-age program respondents, N = 51; for Part B program respondents, N = 51.

A common strategy reported by districts to increase the proportion of highly qualified special education teachers in their district is the provision of time or funding for teacher participation in professional development. The provision of time or funding for teacher participation in professional development opportunities is made by about three quarters (76 percent) of districts that routinely experience difficulty finding qualified applicants and by about half (51 percent) of districts without difficulty. No other activity is conducted by more than a quarter of school districts (Exhibit S.9).

Exhibit S.9: Strategies Used by Districts to Increase the Proportion of Highly Qualified Special Education Teachers (School Years 2007–2008 and 2008–2009)

Strategy	Among All Districts	Among Districts That Routinely Had Difficulty Finding Qualified Applicants	Among Districts That Routinely Had NO Difficulty Finding Qualified Applicants
	%	%	%
Provide time or funding for teachers to participate in professional development opportunities	63.62	76.08	50.65
Pay fees for tests/licensure exams	18.85	24.76	12.71
Provide free or subsidized training for special education teachers to obtain content area credentials	14.21	15.28	13.09
Provide free or subsidized training for highly qualified secondary school teachers to obtain special education credentials	10.19	14.21	6.01
Pay for tutoring to prepare teachers for certification tests/licensure exams	6.34	7.73	4.89
Other	1.72	2.06	1.35
None of the above	30.74	18.03	43.96

For among all districts, N = 1,135 except for other, N = 1,137; for districts having difficulty, N = 717, except for other, N = 718; for districts having no difficulty, N = 419.

Promoting Parent Participation and Dispute Resolution

The Education for All Handicapped Children Act of 1975 (P.L. 94-142) established rights and protections for parents and children under federal law regarding special education and related services. The 2004 reauthorization of IDEA (P.L. 108-446) continues to promote and strengthen parents' participation in their child's early intervention and special education. The 2004 IDEA legislation also continues to delineate and protect the rights of children and youth with disabilities, including the right to register complaints and resolve disputes, as well as the procedures that must be in place to protect and discharge that right.

Promoting Parent Participation

IDEA provides resources and mandates to increase communication between parents and the agencies providing early intervention, special education or related services, while also supporting parent involvement in their child's early intervention and special education program. Technical assistance is provided to states to develop partnerships with parents through four types of organizations: Parent Training and Information Centers (PTIs), Community Parent Resource Centers (CPRCs), regional technical assistance centers (RPTACs) and the Center for Appropriate Dispute Resolution (CADRE). Given the continued emphasis on parent participation in the early intervention and special education

of their child with disabilities, the IDEA-NAIS assessed how state and district programs promote parent participation.

How do state and district special education programs promote parent participation?

Most states provide support to provider agencies and school districts focused on parent participation for children and youth with disabilities. In most states, workshops or professional development on increasing parent involvement are provided to early intervention providers (31 states), preschool providers (36 states), and school districts (39 states). Another common activity is the provision of technical assistance related to promoting parent involvement (in 28 states to early intervention providers, in 35 states to preschool providers, and in 46 states to school districts).

More than half of all school districts make written materials available and less than half offer workshops or discussion/support groups to parents of children and youth with disabilities. At the local level, school districts utilize outreach activities and strategies to support parents and promote parent participation in their child's education, including making written material available and offering workshops or discussion/support groups. Common topics of the written materials for parents across districts include understanding the law and parent rights under IDEA (86 percent of districts), understanding their child's disability (69 percent), and participating in state- or district-wide assessment (67 percent). Common topics of workshops or discussion/support groups include using interventions for children with behavioral challenges (38 percent of districts), understanding their child's disability (37 percent) and using strategies for making a successful transition from preschool to school (34 percent).

Dispute Resolution

Parents and children have rights and protections under federal IDEA law regarding the provision of early intervention and special education and related services. Disputes may arise from disagreements regarding the early intervention, education and related services designed for, or delivered to, children with disabilities. A dispute may involve any number of topics, including issues relating to identification, evaluation, educational placement or provision of appropriate early intervention services or a free appropriate public education (FAPE). The particular path a dispute takes from disagreement to resolution may vary due to differences in state law or choices that disputants make.

Both IDEA Parts C and B identify three mechanisms for dispute resolution: state complaints, due process hearings, and mediation. First, a parent (or any other individual or organization) may file a written complaint with the state agency alleging a violation of IDEA and the state agency must issue a written decision, generally within 60 days. Second, a due process hearing may be requested. IDEA 2004 added a resolution process when a due process hearing is requested, providing the parties an opportunity to resolve the dispute in a pre-hearing meeting. Third, mediation can be requested to resolve a dispute (independent and regardless of whether a state complaint or due process hearing request is filed).

There is not a prescribed or predictable order in which these strategies and procedures occur. However, in general, parents and providers or schools tend to use less adversarial strategies, including mediation, to resolve disagreements before moving to more adversarial procedures such as due process hearings.²³

Alternative Dispute Resolution Strategies

A diverse range of early conflict resolution strategies may be used to resolve disputes or conflicts between parents and early intervention or school personnel. Sometimes referred to as alternative dispute resolution strategies (ADRs), they may be any process used to resolve a dispute without a hearing. The 2004 reauthorization of IDEA encourages two specific dispute resolution methods which may be classified as ADR methods: mediation and resolution meetings, which are discussed separately.

Mediation

Mediation is a voluntary, confidential process that is used to allow parents and early intervention providers or school district personnel to resolve disputes in a less adversarial and contentious forum than a due process hearing (34 C.F.R. § 300.506). Mediation involves a trained, impartial professional who facilitates discussions and communication between parents and early intervention or school personnel to identify concerns, clarify positions, and generally help the parties to express and understand each other's views. The goal of the mediation is to reach a mutually agreed upon solution which best serves the educational needs of the child. The end result of a successful mediation is a legally binding mediation agreement. IDEA 2004 legislation included a requirement that mediation be available to resolve any special education dispute, not only those in which a hearing is requested as specified in IDEA 1997.

Resolution Meeting

Resolution meetings are a dispute procedure added in the 2004 reauthorization of IDEA. The purpose of the meeting is for parents to discuss a due process complaint and supporting facts so that the service provider has the opportunity to resolve the dispute. Upon the request for a Part B program due process hearing, IDEA 2004 legislation requires school districts to hold a resolution meeting with the parents, relevant members of the IEP team (e.g., special education teacher, classroom teacher) and a representative of the school district authorized to make decisions (20 U.S.C. § 1415(f)(B); 34 C.F.R. §300.510).

Due Process Hearing

Parents and agencies have the option to request a due process hearing [20 U.S.C. § 1439(a)(1) and § 1415(f)]. A due process hearing is a court-like hearing with a focus on evaluating and resolving the dispute. Part B program due process hearings are quasi-legal procedures in which parents and school personnel present arguments and evidence to an impartial hearing officer, administrative law judge or panel of judges (34 C.F.R. § 300.511). In due process hearings, attorneys often represent the parents and the school district, which can make hearings very costly to the parents as well as the school district or state.²⁴ The 2004 IDEA legislation made two important changes regarding due process hearings. First, the 2004 IDEA reauthorization includes a required resolution session unless the parents and district waive the meeting or agree to mediation [20 U.S.C. § 1415(f)(1)(B)(i)]. Second, there are now timeframes for specific actions related to the due process hearing [20 U.S.C. § 1415(f)(1)(B)(iv)].

Signed Written Complaints to States

In addition to having the option to request a due process hearing, parents and other individuals or organizations also have the right to file a signed written complaint that alleges that a public or private

agency has violated a requirement of IDEA (34 C.F.R. § 300.151-153 and 34 C.F.R. § 303.510-512). The responsible agency (Part C program lead agency or SEA) is required to conduct an investigation and issue a letter of findings within 60 days of the signed written complaint being received unless exceptional circumstances exist (34 C.F.R. § 300.152). If the issue(s) contained in the signed written complaint is also the subject of a due process hearing, the part of the signed written complaint that is being addressed in the hearing is set aside until the due process hearing has been completed (34 C.F.R. § 300.152).

The federal government supports technical assistance regarding conflict resolution options through the OSEP-funded Center for Appropriate Dispute Resolution in Special Education (CADRE), which operates as the National Center on Dispute Resolution in the United States. CADRE's goal of increasing collaboration between families and providers through more cooperative processes is supported by activities including: maintenance of an on-line national resource related to dispute resolution; provision of customized training; and support of peer-to-peer dialogue.²⁵ The IDEA-NAIS collected information regarding the systems used to implement dispute resolution procedures as well as the number and topics of various dispute resolution procedures.

How frequent are dispute resolution events and how has the number changed over time?

There were seven or fewer dispute resolution events for every 10,000 infants and toddlers receiving services under the Part C early intervention program annually for the 2003–2004 through 2007–2008 school years. The IDEA-NAIS uses data from CADRE and the Data Accountability Center data collections on the number of dispute resolution events for a five-year period spanning 2003 through 2008.²⁶ The number of dispute resolution events and number of disputes per 10,000 individuals receiving services through the Part C program are presented in Exhibit S.10. To place the number of dispute events in perspective, 316,730 infants and toddlers were served by the Part C programs in 2007.

The number of requests for due process hearings far exceeded the number of due process hearings completed. For the Part C early intervention program, the frequency of dispute resolution requests was higher than the frequency of dispute resolution hearings completed across each year from 2003–2004 through 2007–2008. For example, in 2003–2004 there were 6.85 hearings requested and 0.48 hearings completed per 10,000 infants and toddlers served. These data suggest that the majority of hearing requests do not result in an actual hearing.

From 2003–2004 to 2007–2008, there was an increase in mediations conducted and a decrease in due process hearings requested. The number of mediations conducted for each 10,000 infants and toddlers served grew from 1.77 in 2003–2004 to 2.62 in 2007–2008, a relative increase of over 50 percent. Across the same years, the number of due process hearings requested for each 10,000 infants and toddlers served decreased by almost half, from 6.85 to 3.51.

Exhibit S.10: Number of Dispute Resolution Events and Number of Dispute Resolution Events per 10,000 Infants and Toddlers with Disabilities Receiving Services under Part C Early Intervention Programs in the 50 States by Dispute Resolution Method (School Years 2003–2004 through 2007–2008)

	2003–2004		2004–2005		2005–2006		2006–2007		2007–2008	
	Total events	Events per 10,000 served	Total events	Events per 10,000 served	Total events	Events per 10,000 served	Total events	Events per 10,000 served	Total events	Events per 10,000 served
Signed written complaints	173	6.37	171	6.09	172	5.84	162	6.07	185	6.95
Due process hearings requested	186	6.85	200	7.13	135	5.07	110	4.12	111	3.51
Due process hearings completed	13	0.48	24	0.85	17	0.64	14	0.52	18	0.57
Resolution meetings held	—	—	1	0.21	0	0.00	2	0.58	1	0.28
Mediations held	48	1.77	57	2.03	70	2.38	75	2.81	83	2.62

For 2003-2004, N = 50. For 2004-2005, N = 50. For 2005-2006, for signed written complaints and mediations held, N = 50; for due process hearings requested, N = 48; for due process hearings completed, N = 47; for resolution meetings, N = 45. For 2006-2007, for signed written complaints, due process hearings requested, due process hearings completed and mediations held, N = 49; for resolution meetings, N = 12. For 2007-2008, for due process hearings requested, due process hearings completed and mediations, N = 49; for signed written complaints, N = 49; for resolution meetings, N = 13.

There were 23 or fewer dispute resolution events for every 10,000 preschool- and school-age children and youth served for the 2003–2004 through 2007–2008 school years. The number of dispute resolution events and number of disputes per 10,000 individuals receiving services through Part B programs are presented in Exhibit S.11.

The number of requests for due process hearings far exceeded the number of due process hearings completed. Similar to the Part C early intervention program, across each year from 2003–2004 through 2007–2008, the number of requests for due process hearings exceeded the number of due process hearings completed. For example, there were 21.74 hearing requests per 10,000 preschool- and school-age children served in 2003–2004 and 3.36 hearings completed per 10,000 preschool- and school-age children served in 2003–2004. These data suggest that the majority of hearing requests do not result in an actual hearing.

From 2003–2004 to 2007–2008, there was a decrease in due process hearings completed. For preschool- and school-age children, the frequency of most types of dispute resolution events has remained relatively stable from the 2003–2004 through the 2007–2008 school year, with the exception of due process hearings completed. While the frequency of due process hearings requested remained relatively stable (22 requests per 10,000 children and youth served in 2003–2004 to 21 requests per 10,000 children and youth served in 2007–2008), the number of due process hearing completed for each 10,000 children and youth served decreased by more than half, from 3.36 in 2003–2004 to 1.61 in 2007–2008.

Exhibit S.11: Number of Dispute Resolution Events and Number of Dispute Resolution Events per 10,000 Preschool- and School-Age Children With Disabilities Receiving Services under Part B Special Education Programs in the 50 States by Dispute Resolution Event (2003–2004 through 2007–2008 School Years)

	2003–2004		2004–2005		2005–2006		2006–2007		2007–2008	
	Total events	Events per 10,000 served	Total events	Events per 10,000 served	Total events	Events per 10,000 served	Total events	Events per 10,000 served	Total events	Events per 10,000 served
Signed written complaints	5916	8.94	6094	9.09	5798	8.65	5220	8.11	5497	8.32
Due process hearings requested	14392	21.74	15496	23.12	14583	21.77	13828	20.71	13894	21.02
Due process hearings completed	2223	3.36	2215	3.30	1718	2.56	1370	2.05	1064	1.61
Resolution meetings held							9073	13.65	8090	12.24
Mediations held	5924	8.95	6382	9.52	3651	6.06	5377	8.05	4989	7.55

For 2003-2004, N = 50. For 2004-2005, N = 50. For 2005-2006, N = 50 except for mediations held, N = 49. For 2006-2007, for due process hearings, due process hearings completed and mediations, N = 50; for signed written complaints and resolution meetings, N = 49. For 2007-2008, N = 50.

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Endnotes

¹ Bradley, M. C., et al. (2011). *IDEA National Assessment Implementation Study* (NCEE 2011-4027).

Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U. S. Department of Education.

² U. S. Department of Education, Office of Special Education Programs, Data Analysis System (DANS), OMB #1820-0043: “Children with Disabilities Receiving Special Education Under Part B of the Individuals with Disabilities Education Act,” 2008, and OMB #1820-0557: “Infants and Toddlers Receiving Early Intervention Services in Accordance with Part C,” 2008. Data updated as of August 3, 2009.

³ U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs, *28th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2006*, vol. 1, Washington, D.C., 2009.

⁴ P.L. 108-446, Section 601(c).

⁵ Under P.L. 94-142, FAPE would be available for all handicapped children aged 3–21 no later than September 1, 1980, with an exception made for children ages 3- 5 and 18-21 if this legislative provision was inconsistent with state law.

⁶ The 1997 authorization of the law, P.L. 105-17, referred to this provision as the “least restrictive environment” (LRE) requirement.

⁷ P.L. 108-446, Section 601(c).

⁸ Cameto, R., et al. (2009), *National Profile on Alternate Assessments Based on Alternate Achievement Standards: A Report From the National Study on Alternate Assessments* (NCSE 2009-3014), *State Profiles on Alternate Assessments Based on Alternate Achievement Standards: A Report From the National Study on Alternate Assessments* (NCSE 2009-3013), and Cameto, R., et al. (2010). *Teacher Perspectives of School-Level Implementation of Alternate Assessments for Students With Significant Cognitive Disabilities. A Report From the National Study on Alternate Assessments* (NCSE 2010-3007). Menlo Park, CA: SRI International.

⁹ See Garrison-Mogren, R. et al. (2007), *Characteristics of States’ Monitoring and Improvement Practices: State Responses to the Part B and Part C Mail Survey from the Evaluation of States’ Monitoring and Improvement Practices Under the Individuals with Disabilities Education Act* (NCSE 2008-3008), and Bollmer, J., et al. (2010). *A Study of States’ Monitoring and Improvement Practices Under the Individuals with Disabilities Education Act*. (NCSE 2011-3001). Rockville, MD: Westat.

¹⁰ For example, Carlson, E., et al. (2009), *Early School Transitions and the Social Behavior of Children with Disabilities: Selected Findings From the Pre-Elementary Education Longitudinal Study* (NCSE 2009-3016), and Carlson, E., et al. (2010), *Access to educational and community activities for young children with disabilities* (NCSE 2011-3000). Rockville, MD: Westat.

¹¹ For example, Newman, L., et al. (2009). *The Post-High School Outcomes of Youth With Disabilities up to 4 Years After High School. A Report From the National Longitudinal Transition Study-2 (NLTS2)* (NCSE 2009-3017), and Newman, L., et al. (2010). *Comparisons Across Time of the Outcomes of Youth With Disabilities up to 4 Years After High School. A Report of Findings From the National Longitudinal Transition Study (NLTS) and the National Longitudinal Transition Study-2 (NLTS2)* (NCSE 2010-3008). Menlo Park, CA: SRI International.

¹² Thomas Fiore et al. (2007). *Design Task for Evaluation of the Personnel Preparation Program to Improve Services and Results for Children with Disabilities: Literature Review; Design Task for Evaluation of the Personnel Preparation Program to Improve Services and Results for Children with Disabilities: Evaluation Design Report; Design of the National Assessment of Progress Under the Individuals with Disabilities Education Improvement Act: Extant Data Report; and Design of the National Assessment of Progress Under the Individuals with Disabilities Education Improvement Act: Final Report of Design Options*. Rockville, MD: Westat.

¹³ Blackorby, J., et al. (2010). *Patterns in the Identification of and Outcomes for Children and Youth With Disabilities* (NCEE 2010-4005). Menlo Park, CA: SRI International.

¹⁴ Bradley, M. C., et al., op. cit., p. 84.

¹⁵ See <http://ies.ed.gov/ncee/projects/evaluation/disabilities.asp> for a description and status of the other National Assessment studies.

¹⁶ Figures are from U.S. Department of Education. (2008). *Education Department Budget by Major Program (1980-2009)*. Retrieved March 9, 2010 from www2.ed.gov/about/overview/budget/history/edhistory.pdf.

After data collection was completed, the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5) appropriated new funding for programs under IDEA which nearly doubled the federal investment in early intervention and special education to provide an opportunity for states, LEAs and early intervention providers to implement innovative strategies to improve outcomes for infants, toddlers, children, and youth with disabilities. The data provided in this report describe state and district policies *prior* to the receipt of ARRA funds.

¹⁷ Number of those served under the Part C Early Intervention program is from *Table C1 Number and Percentage of Population Served (Ages Birth Through 2), Part C, by State: 1998 Through 2007* available from the Data Accountability Center (DAC; <https://www.ideadata.org/docs/PartCTrendData/C1.xls>, retrieved July 19, 2009).

Number of those served under the Part B Preschool-Age Special Education program is from *Table B2B Number and Prevalence Rate of Children Served in the 50 States and D.C. (including BIE schools) Under IDEA, Part B Ages 3-21 and Ages 3-5 by Age, 1998 Through 2007* available from the Data Accountability Center (DAC; <https://www.ideadata.org/docs/PartBTrendData/B2B.xls>, retrieved July 19, 2009).

Number of those served under the Part B School-Age Special Education program is from *Table B2B Number and Prevalence Rate of Children Served in the 50 States and D.C. (including BIE schools) Under IDEA, Part B Ages 3-21 and Ages 3-5 by Age, 1998 Through 2007*(DAC, <https://www.ideadata.org/docs/PartBTrendData/B2B.xls>, retrieved July 19, 2009).

¹⁸ Office of Special Education Programs. (2008). *Coordinated Early Intervening Services (CEIS) under Part B of the Individuals with Disabilities Education Act (IDEA)* (Guidance document). Retrieved May 14, 2009 from www.ed.gov/policy/speced/guid/idea/ceis-guidance.doc.

¹⁹ Ibid.

²⁰ The survey did not provide definitions for writing or reading/language arts.

²¹ Part C early intervention program personnel data are not presented for two reasons: (1) data are no longer collected and the most recent data available are from 2002; and (2) the available data do not enable reporting of the percent qualified.

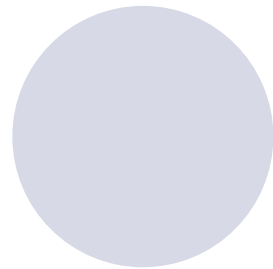
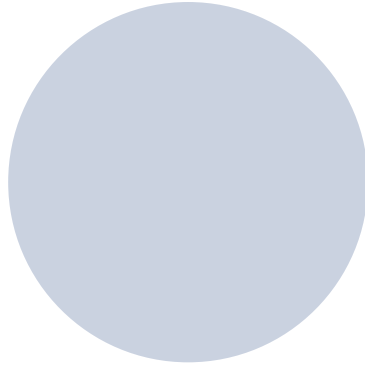
²² The IDEA-NAIS did not collect data on the number of qualified personnel as these data are publicly available from the Data Accountability Center (DAC). The most recent data available from the DAC regarding personnel qualifications were from Fall 2006 which are reported here although 2006 is not one of the focal years of the IDEA-NAIS. The Part C program data are not reported as the most recent data are from Fall 2002 and report only the number, not the number qualified.

²³ U.S. General Accounting Office (GAO). (2003). *Special Education: Numbers of Formal Disputes Are Generally Low and States Are Using Mediation and Other Strategies to Resolve Conflicts* (GAO-03-897). Washington, DC: Author.

²⁴ Office of Special Education Programs. (2006). *Procedural Safeguards: Due Process Hearings*. Retrieved January 25, 2010 from <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C16%2C>.

²⁵ Center for Appropriate Dispute Resolution in Special Education (CADRE). (n.d.) Brochure. Retrieved January 26, 2010 from <http://www.directionservice.org/cadre/cadrebrochure.cfm>.

²⁶ Results are from APR/SPP data available from CADRE for the school years of 2003–2004 to 2005–2006 and from the Data Accountability Center (DAC) for school years 2006–2007 and 2007–2008. Data from Washington D.C. are not included in the summary tables because they were considered outliers.



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